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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,735	06/27/2003	Kaoru Sakakibara	116398	5318
25944	7590	04/28/2005	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			NERBUN, PETER P	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/606,735	Applicant(s) SAKAKIBARA, KAORU	
	Examiner Peter P. Nerbun	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10 and 14 is/are rejected.
- 7) ☒ Claim(s) 1-9, 11-13, 15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08132003</u> . | 6) <input type="checkbox"/> Other: _____ |

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the thread cassette, while in a closed state, holding the needle thread must be shown or the feature canceled from the claim(s). No new matter should be entered. Applicant may show this feature by providing a Fig. 1(A) consisting of a rectangle to represent the lid disclosed on page 19, line 19 of the originally filed specification and a thread bobbin in drawn dashed lines to indicate that said bobbin is located beneath the rectangular lid. The bobbin should be labeled "34" and the rectangle should be labeled "68". On page 3, between lines 16 and 17 of the specification, applicant may insert -- Fig. 1A shows a lid of the thread cassette for closing the opening of the cassette.--. Further on page 19, line 19 of the specification, applicant may insert --68 (as shown in Fig. 1A)-- after "lid".

The drawings are further objected to for containing a typographical error. In Figure 7, in the first oval, "DETERMININ" must be changed to --DETERMINING--.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims 1-9 and 15 are objected to for reciting a feature which is not illustrated; claims 1-9 and 15 will be deemed allowed subject to applicant making the drawing changes suggested hereinabove so as to overcome the drawing objection made pursuant to 37 CFR 1.83(a).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Brienza et al (U.S.P. 4,166,423), taken as applied in the previous Office action. The patent to Brienza et al discloses a sewing apparatus comprising a sewing mechanism 11, Fig. 1 in which a thread is used; an informing unit 43, Fig. 1 informing of the sewing mechanism (note that "to inform" is defined as "to impart information to" -- the solenoid 43 imparts information to the tension discs, namely the amount of force to apply to the thread tension discs; further note that the tension discs are a part of the sewing mechanism); a cassette mount 32, Fig. 3 to which a thread cassette holding the thread used in the sewing mechanism is detachably attached; a determining unit 81,82,83, etc.

determining a type of the thread cassette attached to the cassette mount, and a control device 140 controlling the informing unit according to the type of the thread cassette determined by the determining unit.

Claims 11-13 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Fritts, cited by applicant in paper no. 08132003. The patent to Fritts discloses a thread cassette 40, Figs. 1,2 while in a closed state (see Fig. 1), holding a needle thread 75 supplied to a sewing mechanism of a sewing apparatus, comprising a determination portion 81 which allows a determining unit (e.g. a programmable camera) to determine a type of a needle thread held. In this regard it is noted that applicant is claiming a thread cassette, not a determining unit. The claim language merely requires that the determination portion 81 allow a determining unit to determine a type of needle thread held. Since determination portion 81 is an aperture, the lens and sensor of a programmable camera may capture an image of the thread since the aperture enables such imaging to occur by providing a direct line of sight to the thread itself. The image may be analyzed by the software of the programmable camera to determine a type of a needle thread held.

Applicant's arguments filed November 18, 2004 have been fully considered but they are not persuasive. Applicant states that claims 1, 14, and 15 recite a thread cassette, while in a closed state, holds the needle thread used in the sewing mechanism. Claim 14 makes no mention of this feature. With regard to claims 1 and

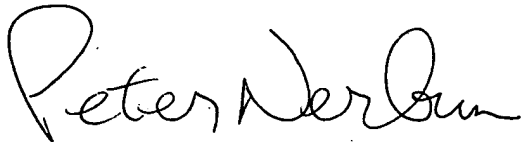
15, claim 1 has been allowed while claim 15 has been indicated to contain allowable subject matter. Applicant notes that claim 10 recites a control device controlling an informing unit according to a type of thread cassette determined by a determining unit. Brienza et al discloses this type of control device as explained hereinabove.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter P. Nerbun whose telephone number is 571-272-4993. The examiner can normally be reached on M-F (1st Week) M-Th (2d Week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on 571-272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter Nerbun
April 15, 2005


Peter Nerbun
Primary Examiner